

(3)

e. P. No. 1

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2546 /2002.

PETITIONER

: Shyam Bihari Pathak S/o Shri Gopal
Pathak, aged about 32 years, resident
of Balrampur, Distt. Surguja (C.G.).

V E R S U S

RESPONDENTS

- ✓ (1) State of Chhattisgarh
Through : The Secretary, (Revenue)
D.K.S. Bhawan, Raipur (C.G.).
- (2) Collector, Ambikapur
Distt. Surguja (C.G.).
- (3) Superintendent of Police,
Balrampur, Police Distt. Balrampur
Surguja (C.G.).
- (4) Chief Medical Officer, Ambikapur
Distt. Surguja (C.G.).
- (5) Tahsildar, Pal, - Ramanujganj
Distt. Surguja (C.G.).

2546/02
P. R. No. *2546/02*
Filed by Shri *D.K. Vishwakarma*
dated *10.11.02*



WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS,
DIRECTION.....ETC. :

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2546 / सन् 2002

आदेश पत्रक (पूर्वानुबन्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
24.1.2005	On a mention being made, the case is taken up for hearing. Shri V.K. Pandey, counsel for the petitioner. Shri Sanjay S. Agrawal, Govt. Advocate for the State/ respondents. Heard both the counsel. So far reply has not been filed on behalf of the State/ respondents. Today, learned counsel for the petitioner submits that he has limited prayer to the extent that respondent No.2 be directed to decide his representation Annexure P-2 which is pending before respondent No.2 since 18.6.2002, to which learned Govt. Advocate has no objection. The petitioner's case is that he was the real owner of the lands bearing Khasra No.408/2 (new number 489) area 0.494 hectare, Khasra No.410 (new number 474) area 0.648 hectare, and Khasra No.425 area 0.146 hectare; total area 1.288 hectares, and the petitioner's grandfathers name was recorded in the revenue record and he was given Bhumi Swami right as per the settlement in the year 1939-40. Copy of the settlement record (ownership of the land) is Annexure P-2. The petitioner's grandfathers name was entered in the year 1954-55. Copy of the same is Annexure P-3. The disputed land was in possession of the grandfather of the petitioner and the father of the petitioner since 1930, and the petitioner's grandfathers name was recorded in the revenue record as Bhjumi Swami. In the year 1973, respondent No.5 transferred the land in	
	~~favour of the Government as per the order of respondent No.2 dated~~	

मामला क्रमांक W.P. 2546/ सन् 2002

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Soma	8.10.1973. Respondents No.2 & 5 had neither given show cause notice to the grandfather of the petitioner nor awarded any compensation of the land before acquiring the land by them. The same was utilized for the construction of office building of respondents No.3 & 4 i.e. Police Station and boundary on the land of the petitioner, which was arbitrary, illegal and unreasonable acquisition of the land, even then they had not granted any compensation. Learned counsel for the petitioner submits that in this respect, the petitioner had already made representation to respondent No.2 in the year 2002, but so far respondent No.2 is not deciding the same. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.2 is directed to decide the representation of the petitioner in an objective manner after considering the points raised by the petitioner with a reasoned order. The petitioner is directed to furnish copy of representation within ten days from today to the Collector (respondent No.2) who in turn shall decide the same within thirty days from the date of receipt of the copy of representation. With the direction aforesaid, the petition stands disposed of.	Sd/- L.C.BHADOO Judge

27/10/05
29/1/08